

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JUSTIN DAVIS**

**PLAINTIFF**

**VS.**

**NO. 4:13CV126-SA-JMV**

**CITY OF SHELBY, MISSISSIPPI, ET AL.**

**DEFENDANTS**

**ORDER GRANTING MOTION TO  
COMPEL DISCOVERY RESPONSES**

Before the court is the Motion to Compel of Defendants, The City of Shelby, Mississippi; Patrick Johnson; Kevin Craig; and Ricardo Tell, filed on October 10, 2013 [ECF 23]. In support of the motion Defendants state Plaintiff has failed to timely respond to written discovery requests and has failed to execute a waiver of the medical privilege (a requirement stated in this court's September 5 Case Management Order [14]). Defendants also state that by all appearances, while Plaintiff's counsel has made efforts to obtain his client's cooperation in responding to the discovery, all attempts have been unsuccessful because counsel has lost contact with his client. Plaintiff has filed no response to the instant motion. It is, therefore,

**ORDERED** that Defendants' Motion to Compel is hereby granted, and Plaintiff shall have seven (7) days from the date of entry of this order to execute a waiver of the medical privilege and fully and completely respond to the outstanding discovery that is the subject of Defendants' Motion to Compel. Plaintiff is warned that failure to timely

comply with this order could result in the imposition of sanctions, including dismissal of this action.

SO ORDERED this, the 30<sup>th</sup> day of October, 2013.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE